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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 ELIZABETH B. ROSS,

No. CV 09-04127 CRB

12 Plaintiff,

ORDER

13 v.

14 GREGORY A. STRANGER,

15 Defendant.
16 _____/

17 Plaintiff Elizabeth B. Ross sued Defendant Gregory A. Stranger in state court in June
18 2008. That action was removed to this court later that same month, but remanded when
19 Plaintiff filed a motion to dismiss her federal cause of action, a federal securities claim.
20 Following remand, Plaintiff filed a series of amended complaints; her fifth was in August
21 2009. Defendant has now removed again, alleging that the fifth amended complaint raises a
22 federal question. Specifically, the notice of removal asserts that Paragraph 100 “arises under
23 the Securities Act of 1934, 15 U.S.C. § 78, *et seq.*”

24 A district court may, and indeed, should sua sponte raise the issue of subject matter
25 jurisdiction if there is a question. See Galt G/S v. Hapag-Lloyd A.G., 60 F.3d 1370, 1373
26 (9th Cir. 1995). The Court notes that Paragraph 100 of Plaintiff’s fifth amended complaint
27 falls under the heading “Violation of State Securities Laws.” That paragraph alleges that
28 Defendants “refused to . . . meet the requirements of all California securities laws, which
incorporate the Federal Securities Acts and laws.” Such language does not make it

1 immediately clear to the Court whether Plaintiff seeks to avail herself of the federal securities
2 laws.

3 Accordingly, Plaintiff is ordered to submit a brief of no more than five (5) pages to
4 this Court within fourteen (14) days of this Order stating clearly whether she is availing
5 herself of the federal securities laws, or raising any other federal question.

6 **IT IS SO ORDERED.**

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9 Dated: September 9, 2009

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE